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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,258	08/29/2000	SATOSHI NORIMATSU	A-378	9486

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/23/2003

*10*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/650,258

Applicant(s)

NORIMATSU, SATOSHI

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to the amendment filed on March 17, 2003 in which applicant amends add claims 10-12 and responds to the claim rejections. Claims 1-12 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims ~~1-9~~<sup>1-12</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Morawiec (U.S. 6,010,405) in view of Miyata et al. (U.S. 6,392,644).

Morawiec discloses a videogame system having an audiovisual presentation designed to simulate an episodic nature of a comic book page. The audiovisual presentation is defined by distinct panels sequentially arranged to form a page layout, the panel limits the player-controlled character play to in an active panel in which the character must complete tasks before proceeding forward in the sequential arrangement of panels to create the comic book story. Additionally, the videogame system allows a player variety by providing alternate routes in which to traverse the panels thereby enabling a game player to determine the story line. Graphic effects are also provided to enhance the comic book medium simulation. For instance, the active panel display has a greater three-dimensional feel than the dormant panels which are flatter in appearance. Morawiec further discloses:

Regarding Claims 1, 8, and 9:

- a game console having a microprocessor with a player-controlled input device for providing signal outputs to the console which are responsive to player input and provide audiovisual images on a display in response to player's inputs (Abstract, Column 3, lines 40-52 and Figure 6).

Regarding Claims 3, 4, 6:

- a microprocessor and memory for providing a scene change (a player completing tasks in one panel and proceeding to the next panel in the comic book medium simulation) (Abstract, Column 1, lines 45-60, Column 2, lines 3-36, and Figures 1, 2).

Regarding Claims 10-12:

- an apparatus, a method, and information storage medium having a program for selectively preparing different ones of said plurality of viewpoints at different times for a same selected portion of said predetermined course (Figure 1 and Column 3, line 62-Column 4, line 34). Morawiec discloses allowing a player variety by providing alternate routes in which to traverse the panels of a comic book page thereby enabling a game player to determine the story line. Morawiec accomplishes this goal by providing directional arrows, as shown in Figure 1, to show the player alternate routes to take. The story is told/played in a sequential/forward-only fashion. Therefore, a player can play a same selected portion of said predetermined course, that is from the start panel to the ending panel in the comic book story, and traverse alternate panels along the way having different viewpoints at different times for the storyline.

Morawiec seems to lack explicitly stating:

Regarding Claims 1, 8, and 9:

- setting a plurality of viewpoints in the field of view in which said character is included; and selectively preparing two-dimensional images corresponding to said plurality of viewpoints.

Regarding Claim 2:

- storing image data necessary for preparing two-dimensional images corresponding to one of said plurality of viewpoints.

Regarding Claim 5:

- different three-dimensional objects in the game space are displayed within the field of view corresponding to a plurality of viewpoints.

Regarding Claim 7:

- the game system changes the level of difficulty of the events corresponding to the plurality of viewpoints.

Miyata et al. teaches of a three-dimensional graphics display system that jointly uses two and three-dimensional image representations thereby effectively reducing the amount of data to process.

Miyata et al. teaches:

Regarding Claims 1, 8, and 9:

- setting a plurality of viewpoints in the field of view in which said character is included; and selectively preparing two-dimensional images corresponding to said plurality of viewpoints (Abstract, Figures 2, 3, 5, 9, 10, 11, 19, 23, Column 6, lines 1-25, Column 7, lines 12-16, 50-65, and Column 17, lines 60-67).

Regarding Claim 2:

- storing image data necessary for preparing two-dimensional images corresponding to one of said plurality of viewpoints (Abstract, Figures 2, 3, 5, 9, 10, 11, 19, 23, Column 6, lines 1-25, Column 7, lines 12-16, 50-65, and Column 17, lines 60-67).

Regarding Claim 5:

- different three-dimensional objects in the game space are displayed within the field of view corresponding to a plurality of viewpoints (Abstract, Figures 2, 3, 5, 9, 10, 11, 19, 23, Column 6, lines 1-25, Column 7, lines 12-16, 50-65, and Column 17, lines 60-67).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the graphic display system of Miyata et al. in the videogame system of Morawiec. Doing so allows for simultaneous two and three-dimensional image representations thus reducing the amount of image data processing and freeing up computer resources for other necessary game functions.

Regarding Claim 7, it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate different difficulty levels for each sequential panel in Morawiec's comic book videogame simulation system. Increasing the difficulty of a game scene (game stage) as a game progresses is notoriously well known in the art.

### ***Response to Arguments***

4. Applicant's arguments filed March 17, 2003 have been fully considered but they are not persuasive.

5. Applicant respectfully traverses the rejection to claims 1-9 under 35 U.S.C. 103(a) as being unpatentable over Morawiec (U.S. 6,010,405) in view of Miyata et al. (U.S. 6,392,644). Applicant alleges these documents are concerned with different things than the claimed invention. Regarding

Claims 1, 8, and 9, Applicant alleges neither Morawiec nor Miyata et al. is concerned with “setting and selectively preparing images corresponding to plural viewpoints.” Applicant provides support for this argument by pointing to a concept shown in Figure 4. Namely, there are two separate paths (viewpoints b2 and c1) from function block B2 to function block B3. However, this feature is clearly disclosed in Morawiec as discussed above regarding claims 10-12. Furthermore, Morawiec discloses preparing images (comic book panels) corresponding to plural viewpoints (alternate routes).

Therefore, for the reasons discussed hereinabove, the rejection to claims 1-9 is maintained.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej  
May 20, 2003

A handwritten signature in black ink, appearing to read "M O'NEILL", written in a cursive style.

**MICHAEL O'NEILL  
PRIMARY EXAMINER**